IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2470 OF 2005

Shamsuddin Ebrahim Inamdar : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.B.G.Tangsali (appointed) for the petitioner.

Mr.V.B.Konde-Deshmukh, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 14, 2006.

P.C.

1. This is a petition for furlough. The petitioner-prisoner was released on parole of 30 days, but he over-stayed for 1784 days. Thereafter, a show cause notice was given to which he replied. After considering, the authorities found that he has committed breach of the Bombay Furlough and Parole Rules, 1959, rule 10(5). A punishment was imposed upon him and his name was removed from the remission for five years. It is this order of respondent No.3 which is challenged by the prisoner through this petition sent through jail. We have appointed an Advocate to represent him before us.

2. In earlier similar three matters where the jail

authorities imposed punishment of five days' cut in remission for one day's absence, we reduced the same to two days' cut in remission for one day's absence. One such decision was in Criminal Writ Petition No.3053 of 2005 with Criminal Writ Petition No.3054 of 2005 decided by us on 19.6.2006. Here in this case, the petitioner over-stayed for 1784 days. If that proportion is seen, then the cut in remission for five years cannot be said to be disproportionate or on higher scale. There are 1825 days for five years and he over-stayed for 1784 days. So the punishment comes to almost one day's cut in remission for one day's absence and little more, but in any case, there is no two days' cut in remission for one day's over-stay. Therefore, the punishment imposed is reasonable. No interference is called for. The petition is dismissed.

3. Office to communicate this order to the petitioner-accused.

D.G. DESHPANDE, J.

S.A. BOBDE, J.